

To: OMB/OIRA
From: Maine Department of Marine Resources
Re: Summary document of items detailed in EO 12866 Meeting 9/3/20

Brief Overview of Maine's Lobster Fishery

- Lobster is the highest single species fishery by value in the nation (\$624M in 2018)
- Maine catches 82% of total catch by volume in the nation.
- Roughly 4800 harvesters with state lobster licenses, roughly 1200 also hold federal permits holders, almost exclusively in Lobster Conservation Management Area (LCMA) 1.
- Ex-vessel revenue in the state fishery has averaged half a billion dollars annually for last several years, with an estimated \$1B in additional economic impact to the state through the supply chain.
- Landings have doubled in last twenty years, and diversity in Maine's fisheries has become more limited over recent decades.
- Lobster is now the most important fishery in Maine by far, particularly in rural coastal communities where there is limited other economic activity.
- **Important characteristics of Maine's lobster fishery:**
 - Maine's coast is vast and varied, resulting in variable fishing practices; the magnitude of tides, bottom substrate, and local vessel traffic all influence gear configurations. Fishing practices can also differ with distance from shore and the number of traps that can safely be fished on a trawl is influenced by the size and build of the vessel.
 - The definition of "offshore" is not uniform in right whale conversations. When ME DMR says "offshore" we mean 12+ miles from shore within LCMA 1, as opposed to LCMA 3 or federal waters.

Overview of ME DMR Right Whale Proposal Submitted to NMFS

A. Vertical Line Reductions

- *Shore to Exemption Line* – Status quo
- *Exemption Line to 3 Miles from Shore* – Minimum trawl length of 3 traps per single endline
- *3 Miles to 6 Miles from Shore* – Minimum trawl length of 8 traps per two endlines or 4 traps per single endline
- *6 Miles to 12 Miles from Shore* – Minimum trawl length of 15 traps per two endlines, or 8 traps per single endline.
- *12 Miles from Shore to the LCMA 1/3 Boundary* - Minimum trawl length of 25 traps per two endlines
- ***Flexibility described in the Maine proposal is absolutely critical. Not all vessels can haul longer strings of traps, and not all bottom is suitable for longer trawls.***
- ***Safety concerns: smaller vessels may not be able to haul and stow longer trawls on board, but fishermen may be incentivized to push the capacity of their vessel if it would otherwise limit their effort. Also, too much rope on deck can pose risk to fishermen as they work around the gear, could pull them overboard.***
- ***Economic impacts: Longer strings in areas can result in more set-overs and increases in gear loss.***

B. 1,700-Pound Weak Points

- *State Waters* - A single 1,700-pound weak point ½ way down all vertical lines.
- *3 Miles to 12 Miles from Shore* - Two 1,700-pound weak points in the top half of all vertical lines (one weak point ¼ of the way down and the other ½ way down)
- *12 Miles from Shore to the LMA 1/3 Boundary*- One 1,700-pound weak point 1/3 of the way down all vertical lines.
- ME DMR has been working in collaboration with industry to develop 1,700-pound weak points, including breaking over 1000 samples of different weak point configurations and piloting 50 time tension line cutters

C. Gear Marking

- *Exempt Waters* - A purple Maine-only gear mark is required at the top, middle, and bottom of the vertical line. The top mark is 36" in length and must be in the top two fathoms of the line. The middle and bottom marks are 12" in length.
- *Non-exempt waters* - A purple Maine-only gear mark replaces the existing 12" red marks at the top, middle, and bottom of the vertical line. In addition, a 6" green mark and a 36" purple mark, in the top two fathoms of the line will be required.
- Vertical lines less than 100 ft in length may be marked with only two purple marks: one 36" mark in the top two fathom of the buoy line and one 12" mark at the bottom of the buoy line.
- Fishermen must implement the Maine-specific gear mark by September 1, 2020.

D. Harvester Reporting

- Move Maine commercial lobster license holders to 100% harvester reporting.
- ASMFC requires 100% harvester reporting in the lobster fishery by January 1, 2024.
- ME DMR is hoping to move to increased harvester reporting ahead of ASMFC deadline, but the exact timing is dependent on funding.

E. Electronic Tracking on Federal Vessels

- ME DMR recognizes that vessel tracking could be an important enforcement tool.
- Recommends NOAA works with industry to understand and address fishermen concerns around tracking technologies and cost.

Maine's exempted water regulations:

- **An area (primarily in Maine state waters) which is exempt from the ALWTRP due to a low number of right whale sightings and lack of calanus to support aggregations of right whales**
- **Currently, Maine regulations for exempted waters include:**
 - No float rope at the surface; and
 - No wet storage of gear (over 30 days); and
 - One of the following three options
 - Option 1: All buoys must be attached to the buoy line with a weak link having a breaking strength no greater than 600 pounds; or
 - Option 2: All buoy lines must be made entirely of sinking line; or
 - Option 3: All ground lines must be made entirely of sinking line.
- **Maine's proposal includes additional measures in exempted waters including a 1700-pound weak point and gear marking; this ensures all remaining vertical lines are safer for right whales**

- **Maine's calculation of risk reduction did not include measures in exempted waters since these are above and beyond what is required in the ALWTRP.**
- **We have not heard from GARFO how they plan to account for these additional measures when calculating Maine's risk reduction**

Conservation Equivalency:

- Critical component of ME DMR's proposal is conservation equivalency (CE).
- CE recognizes the variable fishing conditions along Maine's coast and allows the state's lobster management zones to fine-tune the State's plan to address local fishing practices, oceanographic conditions, and safety concerns, so long as they achieved same, or greater, risk reduction as what was proposed for that Zone by Maine's plan.
- Construct used widely in ASMFC regulatory process, for species such as black sea bass, to craft measures that reflect regional fishing conditions.
- Concept was discussed with GARFO staff during development of Maine proposal but has received limited feedback.
- DMR has been working with zones councils to consider and develop suites of measures over the last several months. Results have varied by zone with the eastern areas tending to favor longer trawls as a way to move to 1 weak point in federal waters while western zones have focused on shortening trawls by adding additional weak points.
- DMR's intent has been to submit any CE proposals as part of our comments on the proposed rule so that they could be incorporated into the Plan through the final rule.

Why we did not use any closures in our plan:

- GARFO/NEFSC staff discussed potential for closures with DMR staff prior to ME DMR submitting its proposal.
- Effectiveness of area closures as a tool for risk reduction is predicated on the assumption that gear from these areas will be brought back to shore. This works best for areas in enclosed areas close to shore, like the one in Cape Cod Bay,
- In a year-round, offshore fishery, though, the likely result of area closures will be that gear is simply moved to areas adjacent to the closure, creating a "curtain effect" around the closed area. These curtains of gear may displace risk to right whales, rather than remove it.
- **Economic impacts:**
 - Specifically, one closure crossed from LCMA 3 into LCMA 1, and impacted portions of Zones B, C and D outside of 12 miles from shore. This area, across these three zones produced over \$14 million in ex-vessel value in 2019, representing 53% of the revenue generated outside of 12 miles from shore for the entire State of Maine. Approximately 3,300 trips were taken in this offshore region of Zones B, C, and D in 2019.
 - Another potential closure, which was first presented to the ALWTRT as an example management measure, focused on waters along the LCMA 1/3 boundary in October and November starting near Jeffrey's Ledge. October and November make up 29% of Maine's total revenue generated outside of 12 miles from shore and account for 20% of trips taken in this region; Zones F and G, specifically contribute 10% of that revenue and 15% of those trips.